

§ 922.123

15 CFR Ch. IX (1–13 Edition)

or qualities. Such activities shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities. New activities with the potential for significant adverse impacts on Sanctuary resources or qualities may be exempted from the prohibitions in paragraphs (a)(2) through (11) of this section by the Director after consultation between the Director and the Department of Defense. If it is determined that an activity may be carried out, such activity shall be carried out in a manner that minimizes any adverse impact on Sanctuary resources and qualities.

(2) In the event of threatened or actual destruction of, loss of, or injury to a Sanctuary resource or quality resulting from an untoward incident, including but not limited to spills and groundings, caused by a component of the Department of Defense, the cognizant component shall promptly coordinate with the Director for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Sanctuary resource or quality.

(f) The prohibitions in paragraphs (a)(2) through (11) of this section do not apply to any activity executed in accordance with the scope, purpose, terms, and conditions of a National Marine Sanctuary permit issued pursuant to § 922.48 and § 922.123 or a Special Use permit issued pursuant to section 310 of the Act.

(g) The prohibitions in paragraphs (a)(2) through (11) of this section do not apply to any activity authorized by any lease, permit, license, approval or other authorization issued after January 18, 1994, provided that the applicant complies with § 922.49, the Director notifies the applicant and authorizing agency that he or she does not object to issuance of the authorization, and the applicant complies with any terms and conditions the Director deems necessary to protect Sanctuary resources and qualities.

(h) Notwithstanding paragraphs (f) and (g) of this section, in no event may the Director issue a National Marine Sanctuary permit under § 922.48 and § 922.123 or a Special Use permit under section 10 of the Act authorizing, or otherwise approve, the exploration for,

development of, or production of oil, gas, or minerals in a no-activity zone. Any leases, permits, approvals, or other authorizations authorizing the exploration for, development of, or production of oil, gas, or minerals in a no-activity zone and issued after the January 18, 1994 shall be invalid.

[77 FR 25069, Apr. 27, 2012]

§ 922.123 Permit procedures and criteria.

(a) A person may conduct an activity prohibited by § 922.122(a)(2) through (11) if conducted in accordance with the scope, purpose, terms, and conditions of a permit issued under this section and § 922.48.

(b) Applications for such permits should be addressed to the Director, Office of National Marine Sanctuaries; Attn: Superintendent, Flower Garden Banks National Marine Sanctuary, 4700 Avenue U, Building 216, Galveston, TX 77551.

(c) The Director, at his or her discretion, may issue a permit, subject to such terms and conditions as he or she deems appropriate, to conduct an activity prohibited by § 922.122(a)(2) through (11), if the Director finds that the activity will: Further research related to Sanctuary resources; further the educational, natural or historical resource value of the Sanctuary; further salvage or recovery operations in or near the Sanctuary in connection with a recent air or marine casualty; or assist in managing the Sanctuary. In deciding whether to issue a permit, the Director shall consider such factors as: The professional qualifications and financial ability of the applicant as related to the proposed activity; the duration of the activity and the duration of its effects; the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity; the extent to which the conduct of the activity may diminish or enhance Sanctuary resources and qualities; the cumulative effects of the activity; and the end value of the activity. In addition, the Director may consider such other factors as he or she deems appropriate.

(d) It shall be a condition of any permit issued that the permit or a copy

Nat'l Oceanic and Atmospheric Adm., Commerce **Pt. 922, Subpt. L, App. A**

thereof be displayed on board all vessels or aircraft used in the conduct of the activity.

(e) The Director may, *inter alia*, make it a condition of any permit issued that any information obtained under the permit be made available to the public.

(f) The Director may, *inter alia*, make it a condition of any permit issued that

a NOAA official be allowed to observe any activity conducted under the permit and/or that the permit holder submit one or more reports on the status, progress, or results of any activity authorized by the permit.

[60 FR 66877, Dec. 27, 1995, as amended at 65 FR 81178, Dec. 22, 2000; 77 FR 25070, Apr. 27, 2012]

APPENDIX A TO SUBPART L OF PART 922—FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY BOUNDARY COORDINATES

This appendix contains a second set of boundary coordinates using the geographic positions of the North American Datum of 1983 (NAD 83). FGBNMS coordinates are now provided in both North American Datum of 1927 (NAD 27) and NAD 83.

Point	Latitude (N)	Longitude (W)
East Flower Garden Bank: (NAD 27)		
E-1	27 deg. 52' 53.82718"	93 deg. 37' 41.30310"
E-2	27 deg. 53' 34.83434"	93 deg. 38' 23.35445"
E-3	27 deg. 55' 13.64286"	93 deg. 38' 40.34368"
E-4	27 deg. 57' 30.71927"	93 deg. 38' 33.26982"
E-5	27 deg. 58' 27.66896"	93 deg. 37' 46.12447"
E-6	27 deg. 59' 01.41554"	93 deg. 35' 31.74954"
E-7	27 deg. 59' 00.50888"	93 deg. 35' 09.69198"
E-8	27 deg. 55' 22.38258"	93 deg. 34' 14.79162"
E-9	27 deg. 54' 04.05605"	93 deg. 34' 18.88720"
E-10	27 deg. 53' 26.70972"	93 deg. 35' 05.00978"
E-11	27 deg. 52' 52.06998"	93 deg. 36' 57.23078"
West Flower Garden Bank: (NAD 27)		
W-1	27 deg. 49' 10.16324"	93 deg. 50' 45.27154"
W-2	27 deg. 50' 12.35976"	93 deg. 52' 10.47158"
W-3	27 deg. 51' 12.82777"	93 deg. 52' 51.63488"
W-4	27 deg. 51' 32.41145"	93 deg. 52' 50.66983"
W-5	27 deg. 52' 49.88791"	93 deg. 52' 24.77053"
W-6	27 deg. 55' 00.93450"	93 deg. 49' 43.68090"
W-7	27 deg. 54' 58.33040"	93 deg. 48' 37.54501"
W-8	27 deg. 54' 35.26067"	93 deg. 47' 10.34866"
W-9	27 deg. 54' 14.80334"	93 deg. 46' 49.28963"
W-10	27 deg. 53' 35.63704"	93 deg. 46' 51.25825"
W-11	27 deg. 52' 57.34474"	93 deg. 47' 15.26428"
W-12	27 deg. 50' 40.26361"	93 deg. 47' 22.14179"
W-13	27 deg. 49' 10.89894"	93 deg. 48' 42.72307"
Stetson Bank: (NAD 27)		
S-1	28 deg. 09' 30.06738"	94 deg. 18' 31.34461"
S-2	28 deg. 10' 09.24374"	94 deg. 18' 29.57042"
S-3	28 deg. 10' 06.88036"	94 deg. 17' 23.26201"
S-4	28 deg. 09' 27.70425"	94 deg. 17' 25.04315"
East Flower Garden Bank: (NAD 83)		
E-1	27 deg. 52' 54.84288"	93 deg. 37' 41.84187"
E-2	27 deg. 53' 35.80428"	93 deg. 38' 23.89520"
E-3	27 deg. 55' 14.61048"	93 deg. 38' 40.88638"
E-4	27 deg. 57' 31.68349"	93 deg. 38' 33.81421"
E-5	27 deg. 58' 28.63153"	93 deg. 37' 46.66809"
E-6	27 deg. 59' 02.37658"	93 deg. 35' 32.28918"
E-7	27 deg. 59' 01.46983"	93 deg. 35' 10.23088"
E-8	27 deg. 55' 23.34849"	93 deg. 34' 15.32560"
E-9	27 deg. 54' 05.02387"	93 deg. 34' 19.42020"
E-10	27 deg. 53' 27.67871"	93 deg. 35' 05.54379"
E-11	27 deg. 52' 53.04047"	93 deg. 36' 57.76805"